

Notice of Allowability

Application No.

10/811,748

Examiner

Denise B. Anderson

Applicant(s)

EVERETT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/7/06.
2. ☒ The allowed claim(s) is/are 1-43, 45-52, 57-69, 72 and 74-77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael A. Stallman (Reg. No. 29,444) on 6/21/06 and confirmed changes to claims were done via E-mail messages between Attorney and Examiner.

Claims are to be amended as follows:

1. In claim 43, change "polarization sensitive element" to "polarizing beam splitter" in lines 15 and 16

2. In claim 69, change as directed by Mr. Stallman in Word file to the following:

69. (currently amended) A method for performing optical coherence domain reflectometry on a sample comprising the steps of:

- a) generating a light beam;
- b) polarizing the beam;
- c) splitting the beam using a non-polarizing beam splitter into a first portion that travels along a sample path and a second portion that travels along a reference path, with the portions of said beam traveling down and back along said paths and then being recombined;
- d) rotating the polarization of the light portions returning from the sample and reference paths;
- e) redirecting the combined beam along a measurement path using a using a polarizing beam splitter separate from the non-polarizing beam splitter and wherein the non-polarizing beam splitter is located downstream from said polarizing beam splitter;
- f) measuring the recombined beam and generating output signals that correspond to an interferometric response; and
- g) evaluating the sample based on the generated output signals.

3. Cancel claims 71 and 73

4. In claim 72, replace "71" with "69" to make claim 72 depend from claim 69, rather than canceled claim 71.

5. In claims 74 and 75, replace "73" with "69" to make claims 74 and 75 depend from claim 69, rather than canceled claim 73.

6. Change "the detector" in claim 76 to "the at least one detector"

7. Change "said one detector" in claim 77 to "said at least one detector"

Allowable Subject Matter

Claims 1-43, 45-52, 57-69, 72, and 74-77 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1, 20, 43, and 69 are allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the specific combination of a PBS, NPBS, and polarization rotators together in combination with the rest of the limitations of claim. Claims 2-19, and are allowed because they depend on allowed independent claim 1. Claims 21-22 are allowed because they depend on allowed independent claim 20. Claims 45-52, 57-68 and 76-77 are allowed because they depend on allowed independent claim 43. Claims 72 and 74-75 are allowed because they depend on allowed independent claim 69.

Claims 23 and 42 are allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious the specific combination of a PBS, NPBS, and polarization rotators together with a polarizer in the detector arm for extracting an interference signal in an OCT system in combination with the rest of the

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limitations of claim. Claims 24-41 are allowed because they depend on allowed independent claim 23.

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise B. Anderson whose telephone number is 571-272-8324. The examiner can normally be reached on Mon-Fri (9:30 AM - 6 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Denise B. Anderson, Ph.D.
Patent Examiner
Art Unit 2877


Gregory J. Toatley, Jr.
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DBA 
Date signed: 6/21/06